IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

OP.No. 26308 of 2002(F)

PETITIONER:

C.N.KAMALAMMA,
GIRIJALAYAM, THAZHAKKARA, MAVELIKARA.

BY ADV. SRI.R.KRISHNA RAJ
SRI.A.SHANAVAS KHAN

RESPONDENTS:
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1. GAS AUTHORITY OF INDIA LTD.,
REP. BY DEPUTY GENERAL MANAGER (HR),
JHABUA COMPRESSOR STATION, GAYLORKALAN,
P.O. BOX NO.8, JHABUA (M.P).

2. LIFE INSURANCE CORPORATION OF INDIA LTD.
REPRESENTED BY SR.MANAGER, JEEVAN PRAKASH BUILDING
7TH FLOOR, 25 K.G.MARG, NEW DELHI.

BY ADV. SRI.T.SANJAY, ADDL.CGSC (FOR R1)
SRI.C.K.SASI, CGC
SRI.S.EASWARAN (FOR R2)

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 26/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP NO.44708 OF 2002 IN O.P.No. 26308 OF 2002

DISMISSED

SD/-
26.7.07. T.R.RAMACHANDRAN NAIR, JUDGE

APPENDIX

PETITIONER'S EXHIBITS:

EXT. P1: COPY OF THE JUDGMENT IN O.P.No. 27313/1999, 29.05.2001.

EXT. P2: COPY OF THE ADVOCATE'S NOTICE ISSUED TO THE 1ST RESPONDENT, 15.07.2002.

EXT. P3: COPY OF THE LETTER OF THE 1ST RESPONDENT ISSUED TO THE PETITIONER, 12.08.2002.

EXT. P4: COPY OF THE LETTER OF THE 1ST RESPONDENT ISSUED TO THE 2ND RESPONDENT, 31.07.2002.

/TRUE COPY/

P.A. TO JUDGE

JP

T.R.RAMACHANDRAN NAIR, J.

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O.P.No. 26308 of 2002-F.

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Dated this the 26th day of July, 2007.

J U D G M E N T

This writ petition is filed by the petitioner seeking for appropriate direction to the respondents to pay the petitioner pension at the rate of Rs.1,307/- per month with effect from 1.9.1999 and also to pay arrears of pension with interest at the rate of 18% per annum.

2. The 2nd respondent has filed a counter-affidavit. In para. 6 it is stated that the entire pension from 1.9.1999 to 1.9.2002 has been released to the petitioner as per Cheque No.756573 dated 25.9.2002 and Cheque No.756585 dated 25.9.2002 for an amount of Rs.48,359/- each being 37 months' pension from 1.9.1999 to 1.9.2002 at the rate of Rs.1,307/- and postdated cheques for the period from 1.10.2002 to 1.8.2003 vide cheque Nos.756574 to 756584 and cheque Nos.756586 to 756596 respectively. The statement further shows that the 2nd respondent has paid penal interest for annuity payments due on 1.9.1999 to 1.9.2002 ie., for 37 instalments for a period of 50 days from 7.8.2002, the date when papers were received by the 2nd respondent, to 25.9.2002, the date of payment at the rate of 8.5 % per annum by Cheque No.84003 dated 26.9.2002 and Cheque No.84003 dated 26.9.2002 for Rs.563/- each. The 2nd respondent has denied liability to pay

interest at the rate of 18%. In the light of the averments contained in the counter-affidavit no further orders are called for as at any rate the petitioner has been paid interest at the rate of 8.5% per annum as penal interest as shown above. Therefore, nothing survives in this writ petition and the writ petition is closed. No costs.

T.R.RAMACHANDRAN NAIR, JUDGE.

Kvs/-